

BOROUGH OF ORWIGSBURG
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 245

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF ORWIGSBURG, SCHUYLKILL COUNTY, PENNSYLVANIA ESTABLISHING A CURFEW FOR CERTAIN MINORS, IMPOSING A DUTY OF SUPERVISION UPON THE PARENT AND GUARDIAN THEREOF, ESTABLISHING A PROCEDURE AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF.

SECTION 1. SHORT TITLE

This Ordinance shall be known as the "Curfew Ordinance".

SECTION 2. CURFEW ESTABLISHED FOR CERTAIN MINORS

It shall be unlawful for minors under the age of sixteen (16) years to be or remain in or upon any of the streets, alleys, parks or public places in the Borough of Orwigsburg at night after the hour of 10:00 p.m., except for Friday and Saturday nights and nights declared by the Mayor of Orwigsburg at the request of the Superintendent of Schools of the Borough of Orwigsburg when school activities call for a later curfew, when the hour shall be 11:00 p.m., unless such child is accompanied by a parent, guardian or other person having the legal custody of such child or is a passenger on a recognized public utility. All such children shall be required to be at home or out of the streets, alleys, parks and public places in the Borough of Orwigsburg, except as herein provided.

SECTION 3. DEFINITIONS

For the purpose of this Ordinance, all persons under the age of sixteen (16) years shall be called a "child" or "children".

SECTION 4. DUTY OF PARENT OR GUARDIAN

It is hereby made unlawful for any parent, guardian or other person having the legal care or custody of any children of the age above designated to allow or permit any such child, ward or other person under such age, while in such legal custody, to go or be in or upon any of the streets, alleys, parks or public places in said borough after the time prohibited in Section 2 of this Ordinance, except as therein provided.

SECTION 5. PROCEDURE: VIOLATIONS BY PARENTS: PENALTIES

Any child found upon the borough streets, alleys, parks or public places within the borough in violation of Section 2 of this Ordinance shall be taken into custody by the borough police and delivered to the Borough Hall, there to await his or her parent, guardian or person having the legal custody of such child, and a report thereof shall be made immediately to the Mayor, who shall make a record thereof in a book to be kept for the purpose. If said parent, guardian or person having the legal custody of such child shall again allow him or her to be on the streets, alleys, parks or public places in violation of Section 2 of this Ordinance, said parent, guardian or person having the legal custody of said child so offending shall, upon conviction thereof before a District Justice, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars and the cost of prosecution or to imprisonment in the county jail for not more than thirty (30) days, or both, and a like fine or imprisonment shall be imposed upon any person aiding or abetting in the violation of the intent and purpose of this Ordinance.

SECTION 6. REPEATED OFFENSES BY CHILDREN

Said children who shall violate the provisions of this Ordinance more than three (3) times shall be reported to a society or organization whose purpose is to take charge of dependent and delinquents, and proceedings shall then be referred to the Court of Common Pleas pursuant to the Juvenile Act. This procedure shall be taken in cases where the arrest of the parent, guardian or legal custodian shall not be effective or where for any other reason the provisions of Section 2 of this Ordinance cannot be made effective by fines and penalties imposed hereunder.

SECTION 7. DISCRETION OF POLICE IN DETERMINING AGE

The police of the borough in taking children into custody under this Ordinance shall use their discretion in determining the age of the child, and in doubtful cases shall require positive proof of age, and until such proof is furnished, the officer's or officers' judgement shall prevail.

ENACTED and ORDAINED this 9th day of December , 1981, by the Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF ORWIGSBURG

BY:

Clair Estep
President

ATTEST:

Anna L. Skiffet
Secretary

EXAMINED and APPROVED this 9th day of December , A.D., 1981.

Elmer C. Bair
Mayor of the Borough of
Orwigsburg, Schuylkill County,
Pennsylvania